

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

ORDER

This case is before the court on Defendant's Fourth Motion in Limine (Doc. #62), filed on April 23, 2007, in which the Defendant seeks to preclude the Plaintiff from offering any evidence concerning claims, charges, accusations, or complaints against the Defendant by other persons. In opposing this motion, the Plaintiff states that the Defendant testified during his deposition that he had been arrested for assault at some time in the past. The court does not have before it any information as to when this happened, the nature of the arrest, whether he was charged with a felony or a misdemeanor, the results of the arrest, etc. Without such information, the court cannot rule on admissibility. It is, however,

ORDERED that the motion is GRANTED to the extent that the Plaintiff may not make any reference, by question or otherwise, to the arrest for assault or any other charge, claim, accusation, or complaint, without first taking this up outside the presence of the jury so that the court can determine, in the context of the state of the evidence at that time, whether the questioning or reference would be admissible.

DONE this 21st day of May, 2007.

/s/ W. Harold Albritton

W. HAROLD ALBRITTON
SENIOR UNITED STATES DISTRICT JUDGE